UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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October 24, 2016

Mark Petersen
HQ PACAF/PA
25 E Street, Suite G-108
Joint Base Pearl Harbor-Hickam, Hawaii 96853

Subject: Final Environmental Impact Statement (FEIS) for Divert Activities and Exercises, Commonwealth of the Northern Mariana Islands (CEQ #20160211)

Dear Mr. Petersen:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Revised Draft Environmental Impact Statement (RDEIS) and provided comments to the Air Force on December 14, 2015. We rated the Tinian alternatives in the RDEIS as *Environmental Objections – Insufficient Information* (EO-2) due to the lack of sufficient analysis of the project's impacts on the drinking water system. The amount of water available from the Commonwealth Utilities Corporation (CUC) system on Tinian did not appear sufficient to meet the construction-phase demand for the project, and because the CUC is under a Stipulated Order to bring its drinking water system into compliance with the Safe Drinking Water Act and is in "severe distress" financially, any additional financial burden on CUC would be a significant impact to the utility and could compromise the public's access to drinking water. We recommended that the Air Force work closely with the Marine Corps, who is conducting detailed analyses of drinking water system impacts for its CNMI Joint Military Training Revised DEIS, to better assess the construction-phase impacts of Divert Activities and Exercises on the drinking water system. We also expressed concerns regarding the change in the noise impact assessment methodology, where noise from training exercises generated over an 8-week period was averaged over 52 weeks, thus diluting the noise impacts and presenting them in a manner that is not consistent with how noise would be experienced by the public.

We appreciate the additional information in the FEIS in response to our comments. The FEIS includes a more thorough water demand estimate and acknowledges that the proposed water usage during construction could deplete the current Tinian water surplus (p. 4-186). The FEIS also states that the CUC system would not be able to provide the needed amount of water for the implementation phase without an extensive upgrade to their system (p. 4-192). According to the FEIS and mitigation measures, the Air Force intends to rectify the impacts on the CUC potable water system by installing two wells on airport property (p. 4-192, Fig. 2.5-6) "to meet Air Force water requirements" during project implementation. Wells would be installed early in the construction phase to also support water demand in the later construction phase. The Air Force would follow CNMI Bureau of Environmental and Coastal Quality (BECQ) well regulations and coordinate well siting, installation and operation with

CUC to "*manage draw rates from the existing and proposed wells to ensure that water supply is not exceeded*" (p. 4-192). We recommend that this mitigation measure be developed into a specific monitoring, coordination, and reporting commitment in the Record of Decision and that the Air Force develop a Memorandum of Understanding with the CUC to formalize the type and frequency of monitoring and the thresholds for determining when the water supply is reaching maximum use, to ensure the public water supply is not adversely impacted.

This mitigation would lessen the burden on the CUC system primarily during the implementation phase for the filling of the fire-fighting water tanks. The Air Force has indicated[1] that the main water demand would occur during the construction phase, which would include water needed to support construction workers and provide for dust suppression, cement mixing, and static testing for storage tanks at both the airport and seaport. While the Air Force wells may be able to supplement the CUC water supply during the later stages of construction, there is no mitigation for the apparently significant impacts to the CUC system[2] from the construction phase. Assistance to the CUC would be appropriate due to the preexisting deficiencies identified above. We are aware that the Marpo Heights Quarter Million Gallon Tank is in need of repairs to sustain its service and ensure reliable water supply and pressure in the system. We recommend the Air Force consider funding these repairs as mitigation for its construction-phase water use impacts on the CUC system.

Regarding the noise impact assessment, we greatly appreciate the additional information in the FEIS representing Average Busy Day, the noise metric from the original 2012 DEIS, which more closely represents the actual noise that would be heard by residents during training operations. The Air Force, however, kept the Average Annual Day metric in the FEIS and stated in the response to comments that this metric was used to evaluate impact significance. We continue to have concerns with the use of this metric for a shorter-term noise impact assessment. When EPA identified the Day-Night Average Sound Level, DNL, as the most appropriate measure to describe cumulative noise exposure during an average annual day in its "Levels" document[3], it was based on several considerations, including the applicability of the measure "to the evaluation of pervasive long-term noise in various defined areas and under various conditions over long periods of time", as well as the close correlation of the measure "with known effects of the noise environment on the individual and the public". The use of the cumulative noise metric in this shorter-term project scenario is inconsistent with these considerations and does not sufficiently assess and disclose shorter-term noise exposures to the public when the metric is used in this manner. For this project, fighter jets were eliminated from the project description and predicted noise levels have been substantially reduced; however, for future analyses, we recommend that the above considerations be factored in when selecting the appropriate noise metric for assessing significance.

Finally, since the publication of the RDEIS, the Council on Environmental Quality has finalized its *Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*[4]. We appreciate the

[1] Telephone conversation between Mark Petersen, Air Force and Karen Vitulano, EPA, 10/4/16. We note that this is contrary the statement in the FEIS that "more water would be required during the implementation phase than the construction phase" (p. 4-186);

[2] The FEIS indicates that, under a maximum water use scenario, approximately 32 percent of the assumed Tinian water availability could be required for the project (p. 4-186).

[3] "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," U. S. EPA Report No. 550/9-74-004, September 1974

[4] *See* https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance

discussion of expected climate change effects on the project and the thorough estimation of GHGs from the project in both the RDEIS and FEIS. The FEIS concludes that these impacts are negligible based on the small predicted fraction they represent of the total U.S. emissions inventory (p. 5-13) and states that they contribute .00001 percent of the global CO_2 emissions (p. 4-47). According to CEQ, such comparisons are "not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change itself: the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact."[5] EPA recommends that Air Force follow the approach outlined by the CEQ's Guidance regarding the analysis of greenhouse gas (GHG) emissions and climate change in future NEPA documents.

EPA appreciates the opportunity to review this FEIS. When the Record of Decision is available, please send a copy electronically or to the address above (Mail Code: ENF-4-2). If you have any questions, please contact me at 415-947-4161, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Connell Dunning

Connell Dunning, Acting Manager
Environmental Review Section

cc: Martha Spengler, U.S. Marine Corps
Lynn A. Engelman, U.S. Air Force

[5] CEQ Guidance, p.11.